

Mystic Seaport is the largest maritime museum and fourth largest history museum in the Nation and attracts more than 300,000 visitors annually.

The mission of Mystic Seaport is to create a greater awareness and deeper appreciation of America's relationship to the sea and to highlight the impact of that relationship upon us as individuals and as a Nation.

Both the gentleman from Connecticut (Mr. SIMMONS) and I represent districts in which maritime activities play an important role in the lives of many of our constituents and are an important part of the history of our States.

I urge my colleagues to support this resolution and join in celebrating this 75-year milestone for Mystic Seaport.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in support of H. Con. Res. 152 commemorating the 75th anniversary of the Mystic Seaport, Museum of America and the Sea. Many Americans do not appreciate their U.S. maritime history and the legacy of the sea.

The Mystic Seaport Museum was established in 1929 to protect that history and legacy. The Mystic Seaport Museum is the largest and most diverse maritime museum in the United States. Its collections include many types of ships from our past, including a whaling ship, a fishing schooner, a coal-fired steamship, and a wooden shipping vessel built in 1866.

Mystic Seaport is providing a valuable service to our Nation by teaching Americans about our Nation's maritime history, promoting research in their vast collections of artifacts, photographs and books, and conducting outreach programs to students of all ages.

□ 1515

Therefore, Mr. Speaker, I urge all of my colleagues to support this resolution commemorating the 75th anniversary of Mystic Seaport, and I hope that they will continue their programs to continue to grow and flourish in the years ahead. I urge the adoption of the resolution.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of H. Con. Res. 152 which acknowledges the 75th anniversary of Mystic Seaport: the Museum of America and the Sea. This resolution recognizes the efforts of the staff, volunteers, and trustees of the museum in preserving America's great maritime tradition. Mystic Seaport is also one of the jewels of my home state of Connecticut.

Since the 1600's, the Mystic Seaport has been a center for shipbuilding. Between 1784 and 1919, Mystic Seaport contributed more than 600 vessels to the American maritime enterprise. After the advent of steam power and railroads, wooden shipbuilding began to decline. Three Mystic, Connecticut residents, Edward Bradley, Dr. Charles Stillman, and Carl

Cutler created the Marine Historical Association on December 29, 1929 to prevent the disappearance of the American maritime tradition. Today, the Marine Historical Association is known as Mystic Seaport: the Museum of America and the Sea. Since the inception of the Mystic Seaport Museum, it has become the largest maritime museum, and the fourth largest history museum in the nation. The Seaport's membership represents 25,000 people from all 50 states and 30 countries. More than 1,500 volunteers assist Mystic Seaport's 300 employees each year.

Mystic Seaport has helped increase awareness and appreciation of America's maritime tradition. The museum features the largest collection of watercraft in the nation, which includes four National Historic Landmark vessels. The vessels include the *Charles W. Morgan*, the last wooden whaling ship in the world, and the *Sabino*, the last coal-fired steam ship still in operation. The Mystic Seaport Museum's Collections Research Center functions as a dynamic resource for maritime research. The G.W. Blunt White Library is one of the leading collections of maritime research material in the world. Recently, the library has assembled a virtual run of the earliest published American ship registers. The Mystic Seaport Museum has made significant contributions in maintaining the cultural integrity of our nation's maritime legacy.

Mystic Seaport was also involved in the construction of a replica of the freedom schooner *Amistad*, which serves as a floating classroom and monument to those who lost their freedom or their lives due to the transatlantic slave trade. I was privileged to attend the launch of the *Amistad* in March 2000 at Mystic Seaport with a delegation from the Congressional Black Caucus.

Mr. Speaker, I ask that my colleagues join me today in honoring Mystic Seaport's role in preserving America's maritime culture. For the past 75 years, Connecticut has been proud to be the home of the Mystic Seaport Museum, which continues to be a vital protector of the Nation's nautical history.

Ms. MILLENDER-McDONALD. Mr. Speaker, I yield back the balance of my time.

Mr. FORTUÑO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from Puerto Rico (Mr. FORTUÑO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 152, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

DELAWARE RIVER PROTECTION ACT OF 2005

Mr. LOBIONDO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1412) to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Delaware River Protection Act of 2005".

SEC. 2. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

The Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.) is amended by adding at the end the following:

"SEC. 15. REQUIREMENT TO NOTIFY COAST GUARD OF RELEASE OF OBJECTS INTO THE NAVIGABLE WATERS OF THE UNITED STATES.

"(a) REQUIREMENT.—As soon as a person has knowledge of any release from a vessel or facility into the navigable waters of the United States of any object that creates an obstruction prohibited under section 10 of the Act of March 3, 1899, popularly known as the Rivers and Harbors Appropriations Act of 1899 (chapter 425; 33 U.S.C. 403), such person shall notify the Secretary and the Secretary of the Army of such release.

"(b) RESTRICTION ON USE OF NOTIFICATION.—Any notification provided by an individual in accordance with subsection (a) shall not be used against such individual in any criminal case, except a prosecution for perjury or for giving a false statement."

SEC. 3. LIMITS ON LIABILITY.

(a) ADJUSTMENT OF LIABILITY LIMITS.—

(1) TANK VESSELS.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by striking subparagraph (A) and inserting the following:

"(A) with respect to a single-hull vessel, including a single-hull vessel fitted with double sides only or a double bottom only—

"(i) \$1,500 per gross ton for an incident that occurs in 2005;

"(ii) \$1,900 per gross ton for an incident that occurs in 2006; or

"(iii) \$2,250 per gross ton for an incident that occurs in 2007 or in any year thereafter; or

"(B) with respect to a double-hull vessel (other than any vessel referred to in subparagraph (A))—

"(i) \$1,350 per gross ton for an incident that occurs in 2005;

"(ii) \$1,500 per gross ton for an incident that occurs in 2006; and

"(iii) \$1,700 per gross ton for any incident that occurs in 2007 or in any year thereafter; or"; and

(C) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (i) by striking "\$10,000,000" and inserting "\$14,000,000"; and

(ii) in clause (ii) by striking "\$2,000,000" and inserting "\$2,500,000".

(2) LIMITATION ON APPLICATION.—In the case of an incident occurring before the date of the enactment of this Act, section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) shall apply as in effect immediately before the effective date of this subsection.

(b) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—Section 1004(d)(4) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(4)) is amended to read as follows:

"(4) ADJUSTMENT TO REFLECT CONSUMER PRICE INDEX.—The President shall, by regulations issued no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005 and no less than every 3 years thereafter, adjust the limits on liability specified in subsection (a) to reflect significant increases in the Consumer Price Index."

SEC. 4. REQUIREMENT TO UPDATE PHILADELPHIA AREA CONTINGENCY PLAN.

The Philadelphia Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(4)) shall, by not later than 12 months after the date of the enactment of this Act and not less than annually thereafter, review and revise the Philadelphia Area Contingency Plan to include available data and biological information on environmentally sensitive areas of the Delaware River and Delaware Bay that has been collected by Federal and State surveys.

SEC. 5. SUBMERGED OIL REMOVAL.

(a) **AMENDMENTS.**—Title VII of the Oil Pollution Act of 1990 is amended—

(1) in section 7001(c)(4)(B) (33 U.S.C. 2761(c)(4)(B)) by striking “RIVERA,” and inserting “RIVERA and the T/V ATHOS I;”; and

(2) by adding at the end the following:

“SEC. 7002. SUBMERGED OIL PROGRAM.

“(a) **PROGRAM.**—

“(1) **ESTABLISHMENT.**—The Undersecretary of Commerce for Oceans and Atmosphere, in conjunction with the Commandant of the Coast Guard, shall establish a program to detect, monitor, and evaluate the environmental effects of submerged oil. Such program shall include the following elements:

“(A) The development of methods to remove, disperse or otherwise diminish the persistence of submerged oil.

“(B) The development of improved models and capacities for predicting the environmental fate, transport, and effects of submerged oil.

“(C) The development of techniques to detect and monitor submerged oil.

“(2) **REPORT.**—The Secretary of Commerce shall, no later than 3 years after the date of the enactment of the Delaware River Protection Act of 2005, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report on the activities carried out under this subsection and activities proposed to be carried out under this subsection.

“(3) **FUNDING.**—There is authorized to be appropriated to the Secretary of Commerce \$1,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.

“(b) **DEMONSTRATION PROJECT.**—

“(1) **REMOVAL OF SUBMERGED OIL.**—The Commandant of the Coast Guard, in conjunction with the Undersecretary of Commerce for Oceans and Atmosphere, shall conduct a demonstration project for the purpose of developing and demonstrating technologies and management practices to remove submerged oil from the Delaware River and other navigable waters.

“(2) **FUNDING.**—There is authorized to be appropriated to the Commandant of the Coast Guard \$2,000,000 for each of fiscal years 2006 through 2010 to carry out this subsection.”

(b) **CLERICAL AMENDMENT.**—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 7001 the following:

“Sec. 7002. Submerged oil program.”

SEC. 6. DELAWARE RIVER AND BAY OIL SPILL ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—There is established the Delaware River and Bay Oil Spill Advisory Committee (in this section referred to as the “Committee”).

(b) **FUNCTIONS.**—

(1) **IN GENERAL.**—The Committee shall, by not later than 1 year after the date the Commandant of the Coast Guard (in this section referred to as the “Commandant”) completes appointment of the members of the Committee, make recommendations to the Commandant, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on methods to improve the

prevention of and response to future oil spills in the Delaware River and Delaware Bay.

(2) **MEETINGS.**—The Committee—

(A) shall hold its first meeting not later than 60 days after the completion of the appointment of the members of the Committee; and

(B) shall meet thereafter at the call of the Chairman.

(c) **MEMBERSHIP.**—The Committee shall consist of 15 members who have particular expertise, knowledge, and experience regarding the transportation, equipment, and techniques that are used to ship cargo and to navigate vessels in the Delaware River and Delaware Bay, as follows:

(1) Three members who are employed by port authorities that oversee operations on the Delaware River or have been selected to represent these entities, of whom—

(A) one member must be an employee or representative of the Port of Wilmington;

(B) one member must be an employee or representative of the South Jersey Port Corporation; and

(C) one member must be an employee or representative of the Philadelphia Regional Port Authority.

(2) Two members who represent organizations that operate tugs or barges that utilize the port facilities on the Delaware River and Delaware Bay.

(3) Two members who represent shipping companies that transport cargo by vessel from ports on the Delaware River and Delaware Bay.

(4) Two members who represent operators of oil refineries on the Delaware River and Delaware Bay.

(5) Two members who represent environmental and conservation interests.

(6) Two members who represent State-licensed pilots who work on the Delaware River and Delaware Bay.

(7) One member who represents labor organizations that load and unload cargo at ports on the Delaware River and Delaware Bay.

(8) One member who represents the general public.

(d) **APPOINTMENT OF MEMBERS.**—The Commandant shall appoint the members of the Committee, after soliciting nominations by notice published in the Federal Register.

(e) **CHAIRMAN AND VICE CHAIRMAN.**—The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence of or incapacity of the Chairman, or in the event of vacancy in the Office of the Chairman.

(f) **PAY AND EXPENSES.**—

(1) **PROHIBITION ON PAY.**—Members of the Committee who are not officers or employees of the United States shall serve without pay. Members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee.

(2) **EXPENSES.**—While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(g) **TERMINATION.**—The Committee shall terminate one year after the completion of the appointment of the members of the Committee.

SEC. 7. MARITIME FIRE AND SAFETY ACTIVITIES.

The Maritime Transportation Security Act of 2002 (Public Law 107-295) is amended—

(1) in section 407—

(A) in the heading by striking “**LOWER COLUMBIA RIVER**”; and

(B) by striking “\$987,400” and inserting “\$1,500,000”; and

(2) in the table of contents in section 1(b) by striking the item relating to section 407 and inserting the following:

“Sec. 407. Maritime fire and safety activities.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. LOBIONDO) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO).

GENERAL LEAVE

Mr. LOBIONDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1412.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. LOBIONDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1412, the Delaware River Protection Act, makes several amendments to current law to enhance the Coast Guard's and the Federal Government's capability to prevent and respond to future oil spills in U.S. waters.

On November 26 of 2004, the ATHOS I struck a submerged object and released more than 260,000 gallons of heavy crude oil into the Delaware River. I commend the excellent work of the Coast Guard, in cooperation with other Federal and State agencies, to minimize the impact of the spill. However, this incident has brought several issues to light that are needed to enhance our capabilities to prevent and to respond to future oil spills.

Mr. Speaker, H.R. 1412 would require persons to notify the Coast Guard in the event that an object is released into U.S. waters that could cause the obstruction to navigation or, in the case of the ATHOS I, rip open the bottom of a ship. Mr. Speaker, let me give an example of why this provision is necessary. Under current regulations, an individual must report the creation of an obstruction only when the obstruction is caused by a sunken vessel. In other words, you must notify the Coast Guard when a vessel, whether a dinghy or a cruise ship, is sunk in a navigable waterway, but you need not report the loss of a large object such as a 7-foot anchor which, in this case, ripped the hull of the ATHOS I.

The notification requirement included in this bill will provide the Coast Guard with the information necessary to mark the location of potential obstructions on nautical charts until those obstructions can be removed. This provision will improve maritime safety and will protect the environment and economies of our local communities by further preventing similar mishaps in the future.

H.R. 1412 also directs the President to adjust liability limits for vessel owners to reflect changes in the Consumer Price Index since 1990 and establishes a research program to develop and test technologies to detect and remove submerged oil from our waterways.

This bill will provide the Federal Government with authorities that will

enhance our capabilities to prevent and respond to future oil spills in U.S. waters. I would like to thank my colleagues, the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Delaware (Mr. CASTLE), and the gentlewoman from Pennsylvania (Ms. SCHWARTZ), for their help, participation, and cosponsoring this bill.

I urge the House to support H.R. 1412.

Mr. Speaker, I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1412, the Delaware River Protection Act of 2005. On November 26, 2004, the tanker *ATHOS* I hit a piece of pipe and an anchor that had been dumped into the Delaware River, spilling oil into the Delaware River near Paulsboro, New Jersey. The Coast Guard immediately began coordinating the response to this large spill.

On January 18, 2005, the Subcommittee on Coast Guard and Maritime Transportation conducted a field hearing in Philadelphia to see what policy changes should be made to help prevent this type of accident from happening again. H.R. 1412 was written as a result of that hearing.

No one seems to know where the pipe and anchor came from that the *ATHOS* I hit, but H.R. 1412 will require a person to notify the Coast Guard and the Army Corps of Engineers if they know of any object that has been dumped into the water that creates an obstruction to navigation.

As the gentlewoman from Pennsylvania (Ms. SCHWARTZ) pointed out at the hearing, the limit of liability of tank vessel owners has not been increased since the Oil Pollution Act of 1990 was enacted in response to the Exxon Valdez. OPA granted the Coast Guard the authority to increase the limits of liability for tank vessel owners based on the increase in the Consumer Price Index. However, they have never increased those limits. H.R. 1412 will increase the liability limits for oil spills up to a more modern amount and require these amounts to be adjusted not less than every 3 years.

One of the significant problems facing the agencies trying to clean up this spill is the fact that much of the heavy oil is sitting on the bottom of the river. H.R. 1412 will establish a program to monitor and evaluate the environmental effects of submerged oil.

H.R. 1412 also establishes the Delaware River and Bay Oil Spill Advisory Committee to make recommendations on methodologies to improve the prevention and response to future oil spills on the Delaware River and Delaware Bay.

I would like to thank the gentleman from New Jersey (Chairman LOBIONDO) for the bipartisan approach that he has used to develop this legislation, and I urge my colleagues to support the en-

actment of H.R. 1412, the Delaware River Protection Act of 2005.

Mr. Speaker, I yield back the balance of my time.

Mr. LOBIONDO. Mr. Speaker, I yield 5 minutes to the gentleman from Delaware (Mr. CASTLE), and I thank him again for his participation and help.

Mr. CASTLE. Mr. Speaker, I do rise in support of this important legislation, and I thank the gentleman from New Jersey (Mr. LOBIONDO) for working on this bill for the past several months. He has worked extraordinarily hard on it and deserves a lot of credit. As chairman of the Subcommittee on Coast Guard and Maritime Transportation, he is a fierce defender of our environmental resources, and specifically the Delaware River; and we all appreciate it in that neck of the woods.

I do share his goal of protecting the viability of the Delaware River as a valued environmental resource, and I also believe that the commerce channel is a top priority for the surrounding States.

Last November, a tragic oil spill, which has been referred to by the previous speakers, in the Delaware River set off a course of events which has led to the important legislation here before us today, the Delaware River Protection Act. Beginning with a congressional hearing in January, it has been a top priority to not only address the cleanup of the oil spill but how we can look to the future. One clear outcome is prevention, working together as a region to learn from this accident.

The gentleman from New Jersey (Chairman LOBIONDO) has worked hard to draft legislation that I believe will make a real difference in protecting the Delaware River from another spill and in protecting the Delaware River as a valued natural resource.

I support the bill, which will establish the Delaware River and Bay Oil Spill Advisory Committee. A regional committee will be paramount to addressing issues facing the Delaware River, both environmental and industrial, and will serve as a sounding board for issues concerning the Delaware River.

Some of the committee's responsibilities will include developing recommendations for Congress on the prevention of and response to future oil spills on the Delaware River and bay; reporting to Congress regarding important issues affecting the health of the Delaware River, while ensuring that there is a balanced approach to the issues.

The committee will be made up of appointed experts in many different areas, from the operators of oil refineries to environmental advocates. As a result, this committee will be able to examine the breadth of issues facing the river. The recommendations need not be unanimous, allowing representation of transparent and likely divergent viewpoints.

In the coming years, our States will face numerous proposed industrial and

government activities that have potential safety, environmental, and economic consequences. This bill will help our region to be prepared and assure that important steps are taken to preserve the Delaware River.

Again, I thank the gentleman from New Jersey (Mr. LOBIONDO) and the others who worked on this, and I sincerely encourage my colleagues' support for this legislation. I hope that, with the cooperation of the Senate, this will become law shortly to protect the Delaware River.

Mr. LOBIONDO. Mr. Speaker, I am pleased to yield 5 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ) and again thank her for her participation.

Mr. SCHWARTZ of Pennsylvania. Mr. Speaker, I appreciate the efforts of the gentleman from New Jersey (Mr. LOBIONDO) and the opportunity to make a few remarks on this legislation.

On November 26, 2004, the *ATHOS* I oil tanker struck a submerged object near Paulsboro, New Jersey, and spilled 265,000 gallons of oil into the Delaware River. The spill, the largest to occur in the Delaware River in the last 16 years, struck at the heart of our region, occurring in the Port of Philadelphia.

Two months after the spill, on my 15th day as a Member of Congress, my 15th day on the job, the gentleman from New Jersey (Mr. LOBIONDO) convened a hearing in Philadelphia to examine the damage of the spill, the ongoing cleanup effort, and what else might be needed to be done, either now or in the future. I appreciated the chairman's willingness to have me participate in that hearing as a very new member of the Committee on Transportation and Infrastructure.

We all found, and we heard from the testimony, that this spill had caused millions of dollars in damages and affected more than 100 miles of shoreline in three States. Moreover, it impeded trade, temporarily shut down a nuclear power plant, put area drinking water at risk, and injured and killed wildlife. Unfortunately, many regional environmental experts testified that the impact of the oil spill would continue to linger, further damaging critical species such as oysters and horseshoe crabs. The devastating multiplier effect of the spill and the expert testimonies made clear that action was needed, not just for the cleanup, but for prevention.

As a consequence of what we found, the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Delaware (Mr. CASTLE), the gentleman from New Jersey (Mr. ANDREWS), and the gentleman from New Jersey (Mr. SAXTON) and I coauthored this bill, a bill that would protect the environmental integrity and economic vitality of the Delaware River and the greater Philadelphia area.

Mr. Speaker, the Delaware River Protection Act will take several very important steps to help prevent future oil

spills. It will require mandatory reporting to the Coast Guard of overboard objects in order to facilitate their recovery and will impose civil or criminal penalties for those who fail to give prompt notification. It will encourage shippers to use double-hull tankers, which are safer and less susceptible to the damage caused by the single hull tankers. It will hold shippers accountable for damages caused by a spill by phasing in an increased liability standard, the first increase since 1990. And it will establish a River and Bay Advisory Committee which will be comprised of representatives from shipping, oil, labor, environment, and the general public to report to Congress on how best to prevent and respond to future incidences along the Delaware River.

I also want to note that in addition to these actions, the Water Resources Development Act, which will be considered by the full House later this week, includes a key provision that was originally part of this legislation. Specifically, it will provide the Army Corps of Engineers with the authority to remove debris along the Delaware River, a vital authority as we increase efforts to keep our waterways clear of dangerous debris. It is my hope that the Water Resources Development Act will be received in an equally bipartisan manner.

Mr. Speaker, the Delaware River Protection Act represents a true collaborative effort. I want to thank the gentleman from New Jersey (Mr. LOBIONDO) for his leadership on this bill, as well as his office staff, Geoff Gosselin, and the Subcommittee on Coast Guard and Maritime Transportation staff John Cullather, Eric Nagel and John Rayfield for their hard work on this important issue and working so closely with my staff.

Undoubtedly, implementation of this legislation will help to prevent future oil spills along the river, while also preserving the Port of Philadelphia as the regional resource that it is. That is why I urge my colleagues to support passage of this legislation.

□ 1530

Mr. LOBIONDO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ISSA). The question is on the motion offered by the gentleman from New Jersey (Mr. LOBIONDO) that the House suspend the rules and pass the bill, H.R. 1412, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SAND CREEK MASSACRE NATIONAL HISTORIC SITE TRUST ACT OF 2005

Mr. FORTUÑO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 481) to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000, as amended.

The Clerk read as follows:

H.R. 481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sand Creek Massacre National Historic Site Trust Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) **FACILITY.**—The term "facility" means any structure, utility, road, or sign constructed on the trust property on or after the date of enactment of this Act.

(2) **IMPROVEMENT.**—The term "improvement" means—

(A) a 1,625 square foot 1-story ranch house, built in 1952, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(B) a 3,600 square foot metal-constructed shop building, built in 1975, located in the SW quarter of sec. 30, T. 17 S., R. 45 W., sixth principal meridian;

(C) a livestock corral and shelter; and

(D) a water system and wastewater system with all associated utility connections.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(4) **TRIBE.**—The term "Tribe" means the Cheyenne and Arapaho Tribes of Oklahoma, a federally recognized Indian tribe.

(5) **TRUST PROPERTY.**—The term "trust property" means the real property, including rights to all minerals, and excluding the improvements, formerly known as the "Dawson Ranch", consisting of approximately 1,465 total acres presently under the jurisdiction of the Tribe, situated within Kiowa County, Colorado, and more particularly described as follows:

(A) The portion of sec. 24, T. 17 S., R. 46 W., sixth principal meridian, that is the Eastern half of the NW quarter, the SW quarter of the NE quarter, the NW quarter of the SE quarter, sixth principal meridian.

(B) All of sec. 25, T. 17 S., R. 46 W., sixth principal meridian.

(C) All of sec. 30, T. 17 S., R. 45 W., sixth principal meridian.

SEC. 3. CONVEYANCE OF LAND TO BE HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.

(a) **LAND HELD IN TRUST FOR THE CHEYENNE AND ARAPAHO TRIBES OF OKLAHOMA.**—On conveyance of title to the trust property by the Tribe to the United States, without any further action by the Secretary, the trust property shall be held in trust for the benefit of the Tribe.

(b) **TRUST.**—All right, title, and interest of the United States in and to the trust property, except any facilities constructed under section 4(b), are declared to be held by the United States in trust for the Tribe.

SEC. 4. IMPROVEMENTS AND FACILITIES.

(a) **IMPROVEMENTS.**—The Secretary may acquire by donation the improvements in fee.

(b) **FACILITIES.**—

(1) **IN GENERAL.**—The Secretary may construct a facility on the trust property only after consulting with, soliciting advice from, and obtaining the agreement of, the Tribe, the Northern Cheyenne Tribe, and the Northern Arapaho Tribe.

(2) **OWNERSHIP.**—Facilities constructed with Federal funds or funds donated to the United States shall be owned in fee by the United States.

(c) **FEDERAL FUNDS.**—For the purposes of the construction, maintenance, or demolition of improvements or facilities, Federal funds shall be expended only on improvements or facilities that are owned in fee by the United States.

SEC. 5. SURVEY OF BOUNDARY LINE; PUBLICATION OF DESCRIPTION.

(a) **SURVEY OF BOUNDARY LINE.**—To accurately establish the boundary of the trust property, not later than 180 days after the date of enactment of this Act, the Secretary shall cause a survey to be conducted by the Office of Cadastral Survey of the Bureau of Land Management of the boundary lines described in section 2(5).

(b) **PUBLICATION OF LAND DESCRIPTION.**—

(1) **IN GENERAL.**—On completion of the survey under subsection (a), and acceptance of the survey by the representatives of the Tribe, the Secretary shall cause the full metes and bounds description of the lines, with a full and accurate description of the trust property, to be published in the Federal Register.

(2) **EFFECT.**—The description shall, on publication, constitute the official description of the trust property.

SEC. 6. ADMINISTRATION OF TRUST PROPERTY.

(a) **IN GENERAL.**—The trust property shall be administered in perpetuity by the Secretary as part of the Sand Creek Massacre National Historic Site, only for historical, traditional, cultural, and other uses in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465).

(b) **ACCESS FOR ADMINISTRATION.**—For purposes of administration, the Secretary shall have access to the trust property, improvements, and facilities as necessary for management of the Sand Creek Massacre National Historic Site in accordance with the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465).

(c) **DUTY OF THE SECRETARY.**—The Secretary shall take such action as is necessary to ensure that the trust property is used only in accordance with this section.

(d) **SAVINGS PROVISION.**—Nothing in this Act supersedes the laws and policies governing units of the National Park System.

SEC. 7. ACQUISITION OF PROPERTY.

Section 6(a)(2) of the Sand Creek Massacre National Historic Site Establishment Act of 2000 (16 U.S.C. 461 note; Public Law 106-465) is amended by inserting "or exchange" after "only by donation".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. FORTUÑO).

GENERAL LEAVE

Mr. FORTUÑO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 481, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. FORTUÑO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 481, introduced by the gentlewoman from Colorado (Mrs. MUSGRAVE) would authorize the Secretary of the Interior to hold 1,465 acres in trust, thereby allowing the National Park Service to formally establish the Sand Creek Massacre National Historic Site. The Park Service has worked in partnership with the State of Colorado, the Cheyenne tribe, and the Arapaho tribe to establish this site which was originally authorized in 2000